

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	*	
	*	
W. R. GRACE & CO., et al.,	*	Chapter 11
	*	
Debtors.	*	Case No. 01-01139 (JKF)
	*	(Jointly Administered)
	*	
	*	Related Docket Nos. 26106, 26168, 26193,
		26286, 26320, 26321
	*	
	*	
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CNA COMPANIES' DESIGNATION AS APPELLEES OF ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL FROM THE ORDER APPROVING THE SETTLEMENT BETWEEN W.R. GRACE & CO. AND THE CNA COMPANIES

Pursuant to Fed. R. Bankr. 8006 and Del. Local R. Bankr. 8006-1, Appellees, the CNA Companies (collectively, "CNA"), hereby designate additional items to be included in the record on the appeals filed by BNSF Railway Company ("BNSF") (Dkt. 26168) and the Libby Claimants (Dkt. 26193) from the Order (Dkt. 26106) approving the settlement agreement between W.R. Grace & Co. ("Grace") and CNA. CNA may rely on some or all of the items designated for the record on appeal by BNSF (Dkt. 26286), by the Libby Claimants (Dkt. 26320), or by any other party to these appeals.¹ In addition to the items designated by those parties, CNA designates the following additional items for inclusion in the record on appeal:

¹ Unless otherwise indicated in the designation, the designation of an item by another party is presumed by CNA to include any exhibits or attachments filed with that item under the same docket number.

Docket Entry Date	Docket / Exhibit Number	Description
Feb. 21, 2011	26368	<i>Conformed Joint Plan of Reorganization as of December 23, 2010</i> Including exhibits to the Plan: Exhibit 4 to Plan (Asbestos PI Trust Distribution Procedures) Exhibit 5 to Plan (Schedule of Settled Asbestos Insurers Entitled to 524(g) Protection)
Jan. 7, 2011	26048	Declaration of Daniel P. Caswell, Attachment 1 to <i>Reply Memorandum of the CNA Companies in Support of the Debtors' Motion for an Order Approving the Settlement Between W.R. Grace & Co. and the CNA Companies</i> ²
April 22, 2010	24657	Exhibit 5 to the Plan as of March 19, 2010 (Schedule of Settled Asbestos Insurers Entitled to 524(g) Protection)
Jan. 22, 2010	24181	Transcript for January 5, 2010 at 76-77 (Statement of Ms. Casey)
Nov. 20, 2009	23811	<i>Phase II Post-Trial Reply Brief for CNA Companies</i>
Nov. 2, 2009	23644	<i>Phase II Post-Trial Brief for the CNA Companies</i>
Oct. 20, 2009	23531	Amended Transcript for September 16, 2009 at 85-87
Oct. 12, 2009	23474	<i>Notice of Second Set of Modifications to Joint Plan of Reorganization</i> Including attachment: # A (BNSF-Related Plan Changes)
Sep. 29, 2009	23363	Amended Transcript for September 14, 2009 at 276-77 (Testimony of Jay Hughes)
Sep. 22, 2009	23305	Amended Transcript for September 9, 2009 Tr. at 36-46 (Testimony of Jay Hughes)

² As stated in footnote 1, CNA believes that the Caswell Declaration was designated for inclusion in the record on appeal when BNSF and the Libby Claimants designated CNA's Reply at Docket 26048 to which Declaration is attached for inclusion in the record. It is listed separately out of an abundance of caution.

Docket Entry Date	Docket / Exhibit Number	Description
July 13, 2009	22415	<i>Phase II Trial Brief for CNA Companies</i>
June 1, 2009	21938	<i>Phase I Trial Brief for CNA Companies</i>
May 20, 2009	21794	<i>Final Plan Objections of CNA Companies to the First Amended Joint Plan of Reorganization</i>
	CNA Phase II Exhibit 5	Proofs of Claim Nos. 13966-14027
	CNA Phase I Trial Exhibit CNA 17(A) ³	Boston Old Colony Insurance Company LX2666569 07/17/1974-06/30/1977 [Confidential] ⁴
	CNA Phase I Trial Exhibit CNA 17(B)	Harbor Insurance Company 120346 07/17/1974-06/30/1977 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(C)	Continental Casualty Company RDX1788117 06/30/1977-06/30/1978 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(D)	Continental Casualty Company RDX 1788118 06/30/1977-06/30/1978 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(E)	Continental Casualty Company RDX1784282 06/30/1979-06/30/1980 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(F)	Continental Casualty Company RDX 1784981 06/30/1980-06/30/1982 [Confidential]

³ The CNA excess policies, CNA Phase I Trial Exhibits 17(A) to 17(P), were designated in the BNSF submission, but not in the submission of the Libby Claimants. Out of an abundance of caution, they are designated here. Both BNSF and the Libby Claimants designated CNA's primary policies, CNA Phase I Trial Exhibits 19(A) to 19(C), for inclusion in the record.

⁴ CNA Phase I Exhibits 17(A) to 17(P) and Phase II Exhibits 32(A) to 32(C) and 38 were marked as "Confidential," pursuant to protective orders entered by this Court.

Docket Entry Date	Docket / Exhibit Number	Description
	CNA Phase I Trial Exhibit CNA 17(G)	Buffalo Reinsurance Company BR507551 06/30/1981-06/30/1982 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(H)	Continental Insurance Company SRX3193093 06/30/1981-06/30/1982 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(I)	London Guarantee and Accident Company LX3193640 06/30/1981-06/30/1982 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(J)	Continental Casualty Company RDX 1785056 06/30/1982-06/30/1983 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(K)	Buffalo Reinsurance Company BR508040 06/30/1982-06/30/1983 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(L)	Continental Insurance Company SRX 1591702 06/30/1982-06/30/1983 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(M)	London Guarantee and Accident Company LX1898010 06/30/1982-06/30/1983 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(N)	Continental Casualty Company RDX 1785096 06/30/1983-06/30/1984 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(O)	Continental Insurance Company SRX 1591976 06/30/1983-06/30/1984 [Confidential]
	CNA Phase I Trial Exhibit CNA 17(P)	London Guarantee & Accident Company LX2107836 06/30/1983-06/30/1984 [Confidential]
	CNA Phase II Exhibit 32(A)	August 1, 1990 Settlement Agreement between W.R. Grace and Co. – Conn., a Connecticut Corporation, and Continental Casualty Company [Confidential]

Docket Entry Date	Docket / Exhibit Number	Description
	CNA Phase II Exhibit 32(B)	Feb.13, 1997 Settlement Agreement between W.R. Grace and Co., a Delaware Corporation, W.R. Grace & Co. – Conn., a Connecticut Corporation, Fresenius National Medical Care Holdings, Inc., and Continental Casualty Company [Confidential]
	CNA Phase II Exhibit 32(C)	May 22, 1997 Settlement Agreement between W.R. Grace and Co., a Delaware Corporation, W.R. Grace & Co. – Conn., a Connecticut Corporation, Fresenius National Medical Care Holdings, Inc., and Continental Casualty Company [Confidential]
	CNA Phase II Exhibit 38	May 30, 1997 Settlement Agreement between W.R. Grace and Co., a New York Corporation, and Continental Casualty Company [Confidential]

Respectfully submitted,

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“CNA Companies,” as defined in the November 19, 2010 Settlement Agreement*

Dated: March 1, 2011